

**Newfields Planning Board Meeting
October 16, 2008**

Attendance: William Meserve, John Hayden, Michael Price, Michael Todd, Michael Woodworth, Mark Bouzianis and Town Planner Clay Mitchell. Absent from the meeting was James Daley

Chairman Meserve called the meeting to order at 7pm.

Preliminary Discussion-Old Post Office Building

Kelly Corson addressed the Board. She would like to convert the old post office to a community arts center. The plan is to use part of the space as a gallery for artists in town to display their work. The remaining area would be used as classroom space for art classes, toddler parent classes, adult programs and programs coordinated with the Newfields Elementary School. They would also like to offer classes for teens. There are several artists in town anxious to teach and display their work. Kelly explained that several residents are involved in this project. They would like to lease the building for five years from the town. A warrant article would need to be placed on the ballot in March to do so. The building needs renovations at a cost of approximately \$15,000. The group anticipates raising money through fundraising, applying for grants, tuition and membership fees. Kelly asked the Board about zoning.

Mark asked if the group intended on purchasing the building at some point. Kelly informed him that they have no intention of buying the building now but possibly in the future.

Bill Meserve commented that it is a great idea for the community. He is concerned with parking and it would need to be addressed as they move forward. Kelly mentioned possible parking areas are the library, town hall, Church Street and in front of the building.

The building is zoned residential and this would be considered a change of use.

John Hayden noted that the building is town owned but no longer a town run facility.

The building is currently rented on a monthly basis to the Martin's for storage of a vehicle. They support the plan.

Mark Bouzianis also thought the plan was a great use for the downtown community. In his opinion, the use is educational and falls under churches and schools in the use regulation table. He questioned if the zoning regulations would apply to town owned property.

Clay explained that a buildings use is established when the owner has a vested right to continue that use until it is abandoned. The post office was a valid pre-existing non-

conforming use. The town must interpret at what point the use may be considered abandoned and what the nature of the use was. If the building was vacant for two years and being marketed as the former use; it has not been abandoned. As long as the intent to maintain its use is validated there is no abandonment.

If a landowner has manifested intent to abandon the former use there can be a situation where a very short time has passed and it is considered abandonment.

Clay added that the town only enjoys immunity from zoning when they act as the Town. If the Town owns the building and markets it they must be treated like any landowner and comply with zoning regulations. The structure is vested and no one needs a variance to allow a building to exist.

Fire Chief Jeff Buxton said that the change of use would be classified as a place of education according to the State Fire Marshall. This means the building would need more life safety features. The Town would be liable for any damages as the owner.

Kelly informed the Board that they hope to sustain themselves financially. They are not looking to profit from the proposed programs. Tuition fees would be charged but children that couldn't afford the tuition would still be welcome. The intent is to use the building in an aesthetically pleasing way and give back to the community.

The Board discussed how the use should be classified. The consensus was that the use would be an educational facility which is a permitted use in the residential district. A site review would be required. Parking, lighting and safety would be addressed at that time.

Bill Meserve suggested the applicant contact the Fire Chief and Police Chief regarding their concerns with the site.

Clay summarized that the applicant does not require zoning approval because a school is a permitted use in the zone. A site plan would be required for approval to change the use. It would be contingent on an agreement between the Tenant and the Board of Selectmen.

Preliminary Discussion-Noah Tremblay & Marie Poole, 34 Railroad Ave.

Noah informed the Board that Seacoast Tree Service is the new tenant at 34 Railroad Ave. The tenant has cleared a parking area for his trucks and brought in gravel to stabilize the area. He was ordered by the Town to stop all activity. The Town was concerned that wetlands were being filled in and that it was within the shore land protection buffer. The Board of Selectmen requested Richard Bond from Rockingham Conservation Commission to inspect the site.

John Hayden asked if there had always been three separate businesses on the property because the planning board is aware of only two.

Noah explained that the back building used to be rented out for storage. The tree

company now operates out of the back building. He stores plows and equipment. Noah believes the tenant has a home office. There is no bathroom in the building but they recently connected water from the woodworking building.

John Hayden asked if Seacoast Tree Service maintains their equipment on site. Noah was not sure.

Bill Meserve stated that a site plan review is needed because of the change of use. The plan needs to show the layout and uses of the buildings and distance from the shoreline.

Clay commented that there is no record in the Planning Board files regarding use of the back building. It is now being leased and that triggers the change of use. A state permit may be required for construction, excavation and filling within 250 feet of the shore line. The landowner is responsible for the site plan and for conforming to the regulations.

Noah presented a boundary plan from 2005 showing the proposed parking.

Bill Meserve also mentioned that paint fumes can be smelled from the business Color All NH. Color All NH assured the Board that there would be no odors from his painting and he would have controlled venting. There are several cars on site and it is starting to look like a junk yard.

Clay explained that the Town's rubbish disposal service, Bestway complained to the Town about paint being thrown out in the trash at 34 Railroad Ave. There were also car bumpers set out for roadside pickup. When the Town became aware of this situation they notified Bestway to stop picking up commercial rubbish at 34 Railroad Ave. Clay sent a letter to Color All NH requesting the method in which they dispose of their paint. This was supposed to have been done in May 2008 as part of their approval from the Planning Board.

Clay suggested that the Fire Department complete an inspection of the site. This will assist the Board in determining if the business is compliant. It is the owner's responsibility to keep the building and tenant safe.

According to Jeff Buxtion the Fire Department was not involved with the original occupancy of the tenant. As far as he knows, there have been no updates done to the building.

Clay will send a letter to Color All NH requesting compliance and reasonable assurance that the business owner is following the law. The site plan will not be approved unless the building is compliant.

Win Fream asked if the Board was considering rezoning the downtown area. Bill Meserve informed him that the Board had preliminary discussions regarding the rezoning of the downtown/village district but no changes are planned at this time.

Clay will arrange a meeting with Bill to review the Safe Routes to School documents. We may be eligible for a sidewalk grant.

The CIP needs to be approved and will be ready for the next meeting. Clay will put together a draft of proposed zoning changes which will include something on renewable energy.

A motion was made by Mike Todd and seconded by John Hayden to continue the Vienneau hearing until next months meeting on November 20, 2008 at 7pm.

A motion was made and seconded to adjourn at 8:54pm. All were in favor and the motion carried.

Respectfully submitted,

Sue McKinnon